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**Pope Zeigler, LLC**  
ATTORNEYS AND COUNSELORS AT LAW

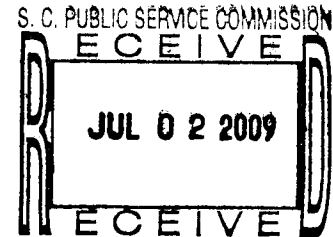
1411 Gervais Street, Suite 300  
Post Office Box 11509  
Columbia, South Carolina 29211  
www.popezeigler.com

Belton T. Zeigler  
Main (803) 354.4900  
Direct (803) 354.4949  
Fax: (803) 354.4899  
bzeigler@popezeigler.com

July 1, 2009

**VIA HAND DELIVERY**

The Honorable Daniel E. Shearouse  
Clerk of Court, Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211



RE: Friends of the Earth v. The Public Service Commission of South Carolina, South Carolina Electric & Gas Company and the South Carolina Office of Regulatory Staff.  
Our File No. 10.11  
Tracking No. 2009-127968

Dear Mr. Shearouse:

As counsel to South Carolina Electric & Gas Company ("SCE&G"), I am writing in to seek clarification of one issue related to the Order from the Court, dated June 30, 2009 in the above referenced matter. That order granted the Appellant, Friends of the Earth ("FOE"), an extension of time for serving and filing its initial brief and Designation of Matter to August 6, 2009.

We would ask you to clarify, as the Court's order implies, that this appeal will proceed independently of the appeal in South Carolina Energy Users Committee v. The Public Service Commission, South Carolina Electric & Gas, and Office of Regulatory Staff, Supreme Court Tracking No. 2009-127906 (the "SCEUC Appeal"). As shown in the order of the Public Service Commission of South Carolina ("Commission") denying rehearing,<sup>1</sup> South Carolina Energy Users Committee ("SCEUC") has sought to preserve a few relatively narrow issues, which are principally matters of statutory interpretation. On the other hand, FOE has argued an exceptionally broad and diverse group of evidentiary, statutory and constitutional challenges to Order No. 2009-104(A), including substantial evidence challenges to most, if not all, of the operative rulings by the Commission.

Moreover, as the Commission found in its order denying rehearing, there are major procedural questions related to the sufficiency of FOE's petition for reconsideration to preserve any of its issues for appeal, given the vague and conclusory nature of that petition. For these reasons, it can be expected that the two appeals will involve very different issues, very different records and a very different scope of challenges to the Commission's order. SCE&G would ask

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<sup>1</sup> Commission Order No. 2009-218, which has been appealed from separately by SCEUC and FOE and which has been provided to the Court by each Appellant, is an attachment to their Notices of Appeal.

# Pope Zeigler, LLC

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The Honorable Daniel E. Shearouse

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that the Court require the FOE appeal to proceed separately from that of the SCEUC and that FOE be required, as is customary and fair, to obtain its own copy of the transcript from the court reporter between now and August 6, 2009 when its brief is due and file a separate brief and Record on Appeal independent of those in the SCEUC Appeal.

SCE&G would also note that FOE has included the Public Service Commission of South Carolina as a party to this proceeding. S.C. Code Ann. § 58-33-310 states that, in an appeal from a final order or decision of the Commission that “[t]he commission must not be a party to an appeal.” SCE&G would, therefore, also ask the Court to order that Commission be dismissed and the caption of the FOE Appeal be revised accordingly.

Thank you very much for your attention to this matter.

Very truly yours,



Belton T. Zeigler

cc: Robert Guild, Esquire  
Joseph Melchers, Esquire  
C. Dukes Scott, Esquire  
Nanette S. Edwards, Esquire  
Shannon Bowyer Hudson, Esquire  
Charles Terreni, Esquire  
K. Chad Burgess, Esquire  
Mitchell Willoughby, Esquire

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

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Docket No. 2008-196-E  
Tracking No. 2009-127968

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Friends of the Earth, .....Appellant,

vs.

The Public Service Commission of South Carolina,  
South Carolina Electric & Gas Company, and the  
South Carolina Office of Regulatory Staff, .....Respondents.

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CERTIFICATE OF SERVICE

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The undersigned employee of Pope Zeigler, LLC does hereby certify that he has served the attached letter on parties listed below by mailing a copy of same to them on July 1, 2009, in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked:

Robert Guild  
Attorney at Law  
314 Pall Mall  
Columbia, SC 29201

Attorney for Appellant

Kenneth C. Burgess  
South Carolina Electric & Gas Company  
1426 Main Street, Mail Code 130  
Columbia, SC 29201  
(803) 217-8141

Mitchell Willoughby  
Willoughby & Hoefer, P.A.  
P. O. Box 8416  
Columbia, SC 29202  
(803) 252-3300

Attorneys for Respondent, SCE&G

Joseph Melchers  
Public Service Commission of South  
Carolina  
P. O. Drawer 11649  
Columbia SC 29211  
(803) 896-5118

Attorney for Respondent, Public Service  
Commission of South Carolina

Nanette S. Edwards  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
(803) 737-0800

Shannon Bowyer Hudson  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
(803) 737-0889

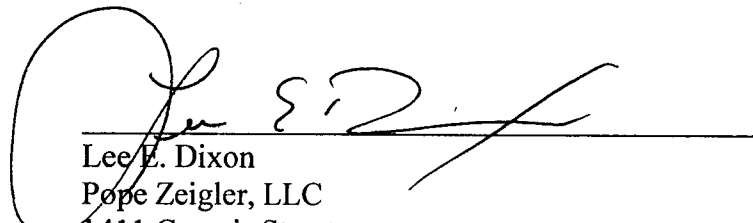
Attorneys for Respondent, South Carolina  
Office of Regulatory Staff

Charles L.A. Terreni, Esquire  
S.C. Public Service Commission  
P. O. Box 11649  
Columbia, SC 29211  
(803) 896-5100

Clerk, Public Service Commission of South  
Carolina

C. Dukes Scott, Esquire  
Executive Director  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, SC 29201  
(803) 737-0800

Executive Director, Office of Regulatory  
Staff



Lee E. Dixon  
Pope Zeigler, LLC  
1411 Gervais Street  
Suite 300  
Columbia, SC 29201  
(803) 354-4912

July 1, 2009